

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Li et al.

Application No: 09/348,815

Filed: July 8, 1999

Art Unit: 1635

Examiner: Zara, J. TECH CENTER 1600/2900

Attorney Docket No: PF126P1D1

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Connective Tissue Growth Factor-2

PROVISIONAL ELECTION, WITH TRAVERSE

Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement mailed March 31, 2000, please consider the election, with traverse, and remarks below. Applicants submit concurrently herewith a Petition For Extension Of Time for five (5) months, with appropriate fee.

The Examiner has required restriction of the claims into one of six different groups.

In accordance with 37 C.F.R. § 1.143, Applicants hereby provisionally elect Group II (claims 11, 12, and 19), *with traverse*. Applicants reserve the right to file one or more divisional applications directed to the non-elected inventions should the restriction requirement be made final.

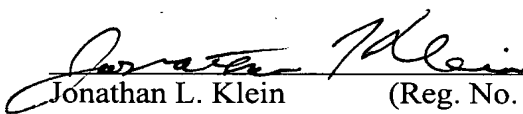
Applicants respectfully traverse the restriction requirement. Applicants respectfully request that the restriction requirement be withdrawn or, at the very least, revised such that the claims of Groups II (claims 11, 12, and 19) and I (claim 1) can be examined together. The Examiner asserts that the claimed subject matter of the specified groups are distinct. Even assuming, *arguendo*, patentably distinct inventions appear in a single application, restriction remains improper unless it can be shown that the search and examination of the groups together would entail a "serious burden" (see MPEP § 803). In the present situation, no such showing has been made. Indeed, no arguments have been made explaining why it would impose an undue burden to examine all the pending claims together, aside from the assertion that that they may be used in different methods. Applicants submit that it would not be a serious burden, upon searching, for example, the claimed polypeptides of Group II, to search, for example, polynucleotides of Group I that encode such polypeptides, as well.

Accordingly, Applicants respectfully request that the restriction requirement be withdrawn or, alternatively, modified so that Group II (claims 11, 12, and 19) and Group I (claim 1) are searched and examined together.

Applicants respectfully request that the amendments and remarks above, including the provisional election with traverse, be entered and made of record in the file history of the instant application.

Respectfully submitted,

Date: SEPTEMBER 29, 2000


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